

board of appeals pursuant to the powers granted to it by this section shall be final, without approval of the common council.

(Ord. of 7-01)

Chapter 20 POLICE*

***Charter references:** Board of police commissioners, § 1901; police department, §§ 1901--1906.

Cross references: Police guards required for street obstructions, etc., § 21-33.

State law references: Board of police commissioners, G.S. § 7-274; meetings of commission, G.S. § 7-275; police departments, G.S. §§ 7-274--7-294f.

- Art. I. In General, §§ 20-1--20-20
- Art. II. Police Department, §§ 20-21--20-79
 - Div. 1. Generally, §§ 20-21--20-24
 - Div. 1A. The Police Commission, §§ 21-25--21-30
 - Div. 2. Duties of Officers, §§ 20-31--20-40
 - Div. 3. Duties of All Policemen, §§ 20-41--20-50
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- Art. III. Fee for Second Responses, § 20-80

ARTICLE I. IN GENERAL

Sec. 20-1. Unauthorized use of police call box; possession of key.

- (a) No person shall open any signal-box connected with the police alarm telegraph, except by the authority of and with the key furnished by the chief of police.
- (b) No person shall have in his possession any signal-box key without permission from the chief of police.

(Code 1970, § 15-16)

Secs. 20-2--20-20. Reserved.

ARTICLE II. POLICE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 20-21. Composition.

The police department shall consist of a chief of police, and such other officers and employees as may be determined by the council and civil service commission from time to time.

(Code 1970, § 2-93)

Secs. 20-22--20-24. Reserved.

DIVISION 1A. THE POLICE COMMISSION

Sec. 20-25. Establishment; composition.

There shall be a police commission. The commission shall consist of five (5) members appointed by the mayor of whom not more than three (3) shall belong to the same political party.

(Ord. of 7-01)

Sec. 20-26. Term of membership.

Every member of the board shall be appointed to serve a term of four (4) years from the succeeding first day of June.

(Ord. of 7-01)

Sec. 20-27. Reserved.

Sec. 20-28. Appointments.

The board of police commissioners shall have the authority to interview candidates for appointment to all positions within the police department and to make recommendations for appointment to the appointing authority.

(No. 26866-1, 3-27-02)

Secs. 20-29--20-30. Reserved.

DIVISION 2. DUTIES OF OFFICERS*

***State law references:** Powers of police commissioners, G.S. § 7-276.

Sec. 20-31. Duties of chief.

The chief of the police department shall administer and supervise the department generally, and perform all duties set forth in the job description of the chief of police.

(Code 1970, § 2-99; Ord. of 7-01)

Secs. 20-32--20-40. Reserved.

DIVISION 3. DUTIES OF ALL POLICEMEN

Sec. 20-41. Duty to inform victims of rights.

In addition to the general duties of all policemen to guard the city at all times and to preserve the public peace, all policemen shall, upon the filing of a complaint by an injured or wronged party for the felony arrest of another, issue to such complainant a card, printed in American-English, containing the following:

"As a victim of a felonious crime and pursuant to section 20-41 of the ordinances of the common council of the City of New Britain, Connecticut, you are hereby advised of your rights as such:

- (1) You have the right to seek just compensation for personal injury.
- (2) You have the right to seek just compensation for damage to your property.
- (3) You have the right to police protection against intimidation.
- (4) The following service agencies may offer you appropriate aid: ()"

Nothing herein contained shall create any rights or liability by the complainant against the individual police officer, police department, or the city, for failure to comply with this section.

(Code 1970, § 2-102; Ord. of 3-76)

Sec. 20-42. Duty to assist sealer.

Every police officer shall assist the sealer of weights and measures in the enforcement of any provision regulating the use of weights and measures and report to him any violations of such provisions within his knowledge.

(Code 1970, § 2-103)

Sec. 20-43. Duty to report defective sidewalks.

- (a) *Report to chief.* Any police officer who discovers any violation of any ordinance dealing with keeping sidewalks free from snow and ice or maintaining them in reasonably safe condition, shall report violations and their duration to the chief of police who will enter the name of the violator in a book kept for that purpose.
- (b) *Notice to violator.* Any police officer who discovers a violation as described in paragraph (a) of this section shall immediately leave a written notice upon the premises to the effect that the owner or occupant has become liable to prosecution under the provisions of this Code and that the city shall prosecute such owner or occupant, unless the situation is corrected. This notice shall be so left that it is reasonably certain to be seen and received by the owner or occupant.

(Code 1970, § 2-104)

Sec. 20-44. Report street lights.

- (a) *Report of malfunction.* Any officer who observes any malfunction in the street lamps in the city shall report this fact to the chief on forms provided for the purpose.

- (b) *Duty to inspect.* Every officer shall make every effort to find any malfunction as described in paragraph (a) of this section in any area on his post or beat.

(Code 1970, § 2-105)

Secs. 20-45--20-50. Reserved.

DIVISION 4. SUPERNUMERARIES*

***State law references:** Special constables, G.S. § 7-92.

Sec. 20-51. Special police when called by board; pay.

- (a) *Generally.* In addition to the regular police the chief of police may appoint such number of supernumeraries, to be called special police-as it may be necessary, subject, however, to the limitations of section 20-55, whose official duties shall be prescribed by the chief.
- (b) *Paid by private party.* When such supernumeraries are in service at the request of any person, they shall be paid by the person they are serving.
- (c) *Paid by the city.* When such supernumeraries are on duty at the request of, or for the benefit of any department of the city, they shall be paid from the funds of the hiring department.

(Code 1970, § 2-117; Ord. of 7-01)

Sec. 20-52. Special guard.

The chief of police may appoint a such further number of supernumerary police to be known as a special guard, as such board may deem necessary, and while such special guards are on duty they shall receive no pay unless by authority of a special resolution of the council.

(Code 1970, § 2-118; Ord. of 7-01)

Sec. 20-53. Term of appointment.

Any appointment as a special policeman or special guard may be made for a definite and limited period of time and upon the expiration of such time the rights and duties of such appointee shall cease.

(Code 1970, § 2-119)

Sec. 20-54. Waiver of requirements for policemen.

Appointments to the special police or special guard may be made without reference to the age of the appointee, and without requiring a physical or mental examination or any other qualifications or test provided by ordinance or otherwise in relation to the appointment of regular

and supernumerary police.

(Code 1970, § 2-120)

Sec. 20-55. Compulsory retirement.

Supernumerary policemen upon reaching the age of fifty (50) years shall be automatically dropped from the service, but this provision shall not apply to such officers in the employ of the city prior to 1960.

(Code 1970, § 2-121)

Sec. 20-56. Mayor may summon.

The special guard and special police may be called out by the mayor or acting mayor and shall be subject to his order.

(Code 1970, § 2-122)

Sec. 20-57. Powers.

Special policemen or special guards shall have all the powers of regular policemen.

(Code 1970, § 2-123)

Sec. 20-58. Annual leave; clothing allowance.

Each supernumerary policeman working a minimum of two hundred (200) days per fiscal year shall receive one week annual leave with pay and a clothing allowance of seventy-five dollars (\$75.00) per fiscal year.

(Code 1970, § 2-124)

Secs. 20-59--20-69. Reserved.

DIVISION 5. SPECIAL POLICE DUTY

Sec. 20-70. Authorized use of special police duty.

The police chief is authorized and directed to render special police duty assignments through the licensing bureau to owners or occupants of premises within the city limits on the terms and conditions set forth in this division.

(Ord. of 1-93)

Sec. 20-71. Payment for use of special police duty.

Such services shall be rendered only to those who shall have signed an agreement as provided by the board of police commissioners and shall have paid in advance in cash, bank, personal, business or certified check the rates prescribed by the board of police commissioners. The fee for such services shall be an amount equal to the compensation to which a police

officer is entitled pursuant to the provisions of the collective bargaining agreement between the City of New Britain and Local 1165 as of the date such services are provided plus a surcharge of ten (10) percent of such amount to cover costs of administration involved in providing such services, and an additional fee for the assignment of a police vehicle in conjunction with the special duty assignment in the amount of fifty dollars (\$50.00) per four (4) hour period or any part thereof. The chief of police is authorized to grant extended terms of payment for good cause to commercial vendors who have established credit history with the city. Extended terms may be revoked by the chief of police at his discretion for failure to make payments within twenty (20) days of billing.

(Ord. of 1-93; Res. No. 28618-2, 8-18-05)

Sec. 20-72. Emergency special police duty.

No such special police services shall be offered to any party who has not strictly complied with this division unless the chief of police or his designee has determined that an emergency condition exists. In the case of an emergency need for special police services, the office of administration shall bill the user and payment shall be directed to be made within twenty (20) days of billing. Failure of the user to pay for police services within the specified time period shall result in interest being added to the bill at a rate equal to one and one-half (1 1/2) percent per month.

(Ord. of 1-93)

Sec. 20-73. Police reserve program.

- (a) *Establishment.* The board of police commissioners may initiate a police reserve program utilizing volunteers to perform certain police functions including, but not limited to, traffic control, parade duty and routine paper work; provided, however, the volunteers in any such police reserve program shall not be vested with the powers of arrest nor shall be permitted to carry firearms, and, further provided that all volunteers shall be required to be trained in accordance with the educational and training standards established by the Municipal Police Training Council.
- (b) *Workers' compensation.* Any volunteer serving in the police reserve program shall be considered an employee of the city for purposes of workers' compensation benefits under the provisions of chapter 568 of the Connecticut General Statutes.
- (c) *Indemnification.* Any volunteer serving in the police reserve program shall be protected and saved harmless from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such volunteer while acting in the discharge of his/her duties to the extent that such protection is provided for municipal officers and employees under the provisions of section 7-101a and 7-465 of the Connecticut General Statutes.

(Ord. of 3-95)

Secs. 20-74--20-76. Reserved.

DIVISION 6. VOLUNTEERS IN POLICE SUBSTATIONS

Sec. 20-77. Police substation volunteer program.

- (a) *Establishment.* The Board of Police Commissioners may initiate a police substation volunteer program utilizing volunteers to perform certain services in police substations as set forth in the policy adopted by the board effective as of March 8, 1995, numbered 3.64, provided, however, that the volunteers shall not be vested with the powers of arrest nor shall be permitted to carry firearms, and, further provided that if under the educational and training standards established by the municipal police training standards established by the municipal police training council, training of volunteers is required, all volunteers shall be trained in accordance with such standards.
- (b) *Workers' compensation.* Any volunteer serving in the police substation volunteer program shall be considered an employee of the City of New Britain for purposes of workers' compensation benefits under the provisions of chapter 568 of the Connecticut General Statutes if injured while performing services which volunteers are authorized to perform under the policy governing police substations and their uses.
- (c) *Indemnification.* Any volunteer serving in the police substation volunteer program shall be protected and saved harmless from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgement by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such volunteer while acting in the discharge of his/her duties to the extent that such protection is provided for municipal officers and employees under the provisions of sections 7-101a and 7-465 of the Connecticut General Statutes.

(Ord. of 6-95)

Secs. 20-78, 20-79. Reserved.

ARTICLE III. FEE FOR SECOND RESPONSES

Sec. 20-80. Fee for second responses for police services at parties.

- (a) *Purpose.* It is the purpose of this article to recover the city's costs for second or subsequent responses to the scene of a party when the police officer determines that continued activity is a threat to the peace, health, safety or general welfare of the public. Return calls to a party to disperse uncooperative participants is a drain on personnel and resources often leaving other areas of the city without adequate levels of police protection which creates a hazard to the public, requires resources over and above the level of police services normally provided and constitutes a public nuisance the costs for which should be paid by the responsible person.
- (b) *Definitions.* For the purpose of this article, the following definitions shall apply:

Costs of a second or subsequent responses means ninety-nine dollars (\$99.00).

Party includes a gathering or event where a group of persons have assembled or are assembling on private property for a social occasion or social activity which may constitute a disturbance of the peace in violation of Connecticut Penal Code sections 53a-181, 53a-181a and 53a-182.

Responsible person is the person or persons who own the property where the party takes place or who are in charge of the premises or who organized the party. If the responsible person is a minor, then the minor's parents or guardians will jointly and severally be liable for the costs.

Second or subsequent responses as used in this section means and includes any response by the police and a finding of a disturbance of the peace in violation of Connecticut Penal Code sections 53a-181, 53a-181a or 53a-182 following an initial response at which the police determined that the party constituted a disturbance of the peace in violation of Connecticut Penal Code sections 53a-181, 53a-181a or 53-182 to the same location within thirty (30) days of the initial response.

- (c) *Notice.* During a first response to a complaint of a disturbance at a party, the responding officer may, among other things, deliver to the responsible person a "Notice of Violation: First Response" which shall contain a message substantially as follows:

"This notice of violation is given to you as a result of a first response by the City of New Britain to a disturbance of the peace occurring in violation of Connecticut Penal Code Sections 53a-181, 53a-181a and 53a-182. You will be charged ninety-nine dollars (\$99.00) as a result of any second or subsequent response by the police to this location."

The notice may also contain such other information as deemed necessary by the chief of police to accomplish the purposes of this section.

- (d) *Bill for costs.* If the city is required to make a second or subsequent response to a party and a "Notice of Violation: First Response" has been delivered to the responsible person, then the city shall compute the costs of such response. A bill for the costs incurred by the city for its second and subsequent responses shall be prepared and delivered to the responsible person who shall be liable for its payment. The amount of the charges shall be deemed a debt to the city of the responsible person who shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney's fees.

- (e) *Enforcement.*

- (1) The chief of police shall notify the finance director in writing upon the rendering of such police services, of the name and address of the responsible person, the date and time of the incident and the services performed and the costs thereof and such other information as maybe required. The finance director shall thereafter cause appropriate billings to be made.
- (2) The finance director is authorized to adopt appropriate procedures for billing and other matters necessary for the administration of this section.

- (f) *Appeal.* Any person aggrieved by any decision of the finance director to bill for costs of a second or subsequent response may appeal to the city's common council claims committee by filing a notice of appeal with the city clerk within fifteen (15) days of the date of the billing. Upon the filing of such request, the city clerk shall set a time and place for the hearing and shall notify the appellant thereof. At the hearing, any person may present evidence in opposition to or in support of the appellant's case. At the conclusion of the hearing, the city council may affirm, reverse or modify the decision and the decision of the city council shall be final.

(Ord. of 1-92; Ord. of 10-98; No. 27117-1, 9-11-02)

Chapter 20.5 SPECIAL DISTRICTS

Art. I. In General, §§ 20.5-1--20.5-20

Art. II. Downtown Special Services District, §§ 20.5-21--20.5-29

ARTICLE I. IN GENERAL

Secs. 20.5-1--20.5-20. Reserved.

ARTICLE II. DOWNTOWN SPECIAL SERVICES DISTRICT*

***Editor's note:** An ordinance adopted Oct. 19, 1983, and amended Nov. 21, 1984, and Feb. 21, 1990, set out provisions intended for use as Chapter 25. In order to preserve the alphabetical order of the chapters of this Code, and with the permission of the City, these provisions have been included as §§ 20.5-21--20.5-29. Amendments adopted since Feb. 21, 1990, will be included in parenthetical history notes at the ends of the affected sections.

Sec. 20.5-21. Purpose and intent.

In accordance with Chapter 105a of the Connecticut General Statutes, the City of New Britain is establishing a special services district within its confines, to be created and operated according to the procedures set out in Chapter 105a. The purpose of the district shall be to prevent further deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business through physical, economic, and social improvements; to work with the government of the City of New Britain to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the city's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district through a long-term operations strategy allocating organizational and financial responsibility.

Sec. 20.5-22. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Assessed value of real property for each fiscal year shall be the value of real property as listed on the grand list of the municipality, in effect as of October of the prior year.

Board of commissioners shall be the executive body elected by the holders of record of a taxable interest in real property to govern the district.

Commissioner shall be any single member of the board of commissioners, with the exception of the ex-officio members.

District shall be the municipal special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in subsection 20.5-24(1) of this article, including amendments made according to subsection 20.5-24(2).

Ex-officio shall denote a nonvoting member.

Fiscal year shall be July 1 to June 30, unless it is changed by vote of the board of commissioners and approved by majority vote of the holders of record of a taxable interest in real property.

Holder of record of a taxable interest in real property shall be the corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator, or other form of entity or any combination thereof as identified in the records of the City of New Britain.

Lessee of property shall be the tenant occupying and in possession of premises located on a property in the district.

Property shall be real property within the district that is identified in the tax records of the City of New Britain as a parcel of land and/or building for which there is a map and lot number assigned by the Assessor's Office of the City of New Britain, exclusive of tax-exempt property as defined in subsection 20.5-24(1)(b).

Property owner shall be the holder of record of a taxable interest in real property.

Sec. 20.5-23. Powers of district.

- (1) *District legal status.* The district is a body politic and corporate subject to such statutes and regulations that govern such a legal body.
- (2) *Powers.* The district shall have the following powers:
 - (a) To sue and be sued;
 - (b) To acquire, hold and convey any real estate, real or personal;
 - (c) To contract;
 - (d) To borrow money, provided any obligation incurred for this purpose shall be discharged not more than one (1) year after it was incurred, and such district may pledge any tax levies to be received against any such obligation;
 - (e) To recommend to the legislative body of the municipality in which such district is located the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district;
 - (f) To construct, own, operate and maintain public improvements;
 - (g) To provide, within such district, some additional services which such municipality is authorized to provide therein, such as security services or cleaning services, provided that such services are not now being provided within any portion of the area included in such district by the municipality or any multi-town body or authority;
 - (h) To retain legal counsel;

- (i) To buy, lease, and operate buses, mini-buses or other transportation for shuttle service in the downtown area;
- (j) To receive and use gifts and donations for the purposes of the district;
- (k) To construct, acquire, or obtain leasehold interests in motor vehicle parking facilities within such district;
- (l) To operate a motor vehicle parking facility within such district;
- (m) To enter into, fund, and perform agreements which reduce the cost of motor vehicle parking to residents and visitors of such district;
- (n) To operate revenue-sharing facilities or events and to use the revenues for district purposes.

Sec. 20.5-24. Boundary of district.

(1) *Description.*

- (a) The boundary of the district shall be all that certain piece or parcel of land bounded and described as follows, to wit:

Commencing at the intersection of the north street line of Pearl St. with the west street line of Badolato Dr.; thence westerly along the north street line of Pearl St. and across Franklin Sq., a distance of 900 feet, more or less, to a point on the west street line of Franklin Sq.; thence northerly along the west street line of Franklin Sq., a distance of 390 feet, more or less, to a point; thence westerly along the north line of the Bethany Covenant Church, a distance of 150 feet, more or less, to a point; thence northerly along the east line of the Y.W.C.A., a distance of 80 feet, more or less, to a point; thence northerly along the north line of the Y.W.C.A. and across Glen St., a distance of 170 feet, more or less, to a point on the west street line of Glen St.; thence southerly along the west street line of Glen St., a distance of 10 feet, more or less, to a point; thence northerly along the south line of No. 3-5-7 Glen St., a distance of 75 feet, more or less, to a point; thence southerly along the east line of No. 52 Main St., a distance of 40 feet, more or less, to a point; thence northerly along the south line of No. 52 Main St., a distance of 55 feet, more or less, to a point; thence southerly along the east line of the South Congregational Church, a distance of 40 feet, more or less, to a point; thence westerly along the south line of the South Congregational Church, a distance of 160 feet, more or less, to a point on the east street line of Arch St.; thence northerly along the east street line of Arch St., a distance of 220 feet, more or less, to a point; thence westerly across Arch St. and along the south line of No. 25-43 Arch St. a distance of 140 feet, to a point; thence northerly along the west line of No. 25-43 Arch St. and across Walnut St., a distance of 125 feet, more or less, to a point on the north street line of Walnut St.; thence westerly along the north street line of Walnut St., a distance of 60 feet, more or less, to a point; thence northerly along the west lines of No. 17 Walnut St. and No. 168-178 Main St. partly by each, a distance of 350 feet, more or less, to a point on the south street line of Court St.; thence easterly along the south street line of Court St., a distance of 20 feet, more or less, to a point; thence northerly across Court St. and along the west line of No. 200-212 Main St., a distance of 150 feet, more

or less, to a point; thence westerly along the south line of No. 224 Main Street., No. 66, 88, 94 and 102 West Main St., a distance of 350 feet, more or less, to a point; thence southerly along the east line of No. 120 West Main Street, a distance of 30 feet, more or less, to a point; thence westerly along the south line of No. 120 West Main St., a distance of 210 feet, more or less, to a point on the east street line of South High St.; thence northerly along the east street line of South High St. and across West Main St., a distance of 290 feet, more or less, to a point on the north street line of West Main St.; thence westerly along the north street line of West Main St., a distance of 50 feet, more or less, to a point; thence northerly along the east street line of High St., a distance of 215 feet, more or less, to a point; thence easterly along the north line of the Christian Pentecostal Church, No. 115 and No. 97-103 West Main St. partly by each, a distance of 230 feet, more or less, to a point; thence southerly along the east line of No. 97-103 West Main St., a distance of 50 feet, more or less, to a point; thence easterly along the north line of No. 97-103 and No. 85 West Main St. and across Washington St. partly by each, a distance of 235 feet, more or less, to a point on the east street line of Washington St.; thence northerly along the east street line of Washington St. and across Columbus Blvd., a distance of 420 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly along the north street line of Columbus Blvd., a distance of 430 feet, more or less, to a point; thence northerly across land of Boston and Maine R.R. and the west line of No. 318-326 Main St., a distance of 120 feet, more or less, to a point; thence easterly along the north line of No. 318-326 Main St., a distance of 75 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a distance of 550 feet, more or less, to a point on the north street line of Myrtle St.; thence westerly along the north street line of Myrtle St., a distance of 170 feet, more or less, to a point; thence northerly, a distance of 310 feet, to a point on the north street line of Lafayette St.; thence westerly along the north street line of Lafayette St., a distance of 25 feet, more or less, to a point; thence northerly, a distance of 160 feet, more or less, to a point; thence easterly, a distance of 300 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 250 feet, more or less, to a point; thence easterly along the north line of Newbrite Plaza, a distance of 440 feet, more or less, to a point on the west street line of Clark St.; thence southerly and easterly along the west street line of Clark St. and the south street line of Winter St., a distance of 990 feet, more or less, to a point; thence southerly across land of Newbrite Plaza, a distance of 285 feet, more or less, to a point on the west street line of Martin L. King Dr.; thence southerly along the west street line of Martin L. King Dr., across East Main St. and the west street line of Harry S. Truman Overpass, partly by each, a distance of 1,070 feet, more or less, to a point; thence easterly along the north line of No. 327 Main St., a distance of 210 feet, more or less, to a point on the west street line of Elm St.; thence southerly along the west street line of Elm St., a distance of 230 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly and southerly along the north street line of Columbus Blvd., a distance of 940 feet, more or less, to a point; thence westerly across Columbus Blvd. and along the south street line of Chestnut St., a distance of 585 feet, more or less, to a point; thence southerly along the west line of the Post Office, a distance of 325 feet, more or less, to a point; thence easterly along the south line of the Post Office, a distance of 80 feet, to a point; thence southerly along the west line of

the Post Office and the west street line of Badolato Dr. partly by each, a distance of 610 feet, more or less, to point of beginning.

All in accordance with a map entitled "Map Showing Municipal Special Services District, 13 Sept. 1983, Scale 1"=200', Edwin Szymanoski Acting City Engineer, Sheet 1 of 1".

- (b) All property therein shall be included in the district. For the purpose of this district, except that the property owners of tax exempt property within the district will not be eligible to vote, nor will they be subject to any tax levies, unless the tax exempt status changes. For the purposes of this section, tax-exempt property shall be defined as that property owned by an entity who is exempt from local property tax or is exempt from federal taxes under Section 501(c) of the Internal Revenue Code, if such property is owned as of the effective date of the downtown special services district. If the tax exempt status should change and the property owner no longer qualifies for local property tax exemption or the 501(c) status, the property shall be subject to the district tax levy in accordance with Section VI of this article, and such levy shall be prorated to cover the period from the change of the tax status to the end of the fiscal year.

(2) *Procedure for additions to district.*

- (a) Any property owner(s) whose property(ies) has at least one (1) boundary that is contiguous with the district boundary may elect to join the district.
- (b) Such owner(s) shall notify the board of commissioners in writing of their intention to join the district. This request must be signed by the property owner(s) having fifty (50) percent interest in said property, or a representative of the owner(s) authorized to sign such a request.
- (c) The board of commissioners shall notify the appropriate persons in the City of New Britain and place a copy of the written notification on file at the town clerk's office.
- (d) The tax levy imposed on a property that joins the district after its inception must be pro-rated to cover the period from the first meeting of the board of commissioners after the notification is received to the end of that fiscal year.

(3) *Zone boundaries.*

- (a) For the purposes of determining the representation on the board of commissioners, the district shall be divided into zones. These zones are not subdistricts as described in Section 7-339r(b) of Chapter 105a.
- (b) For the purposes of the first year of operation, the district zones shall be all that certain piece or parcel of land bounded and described as follows, to wit:
 - 1. *Zone I.* Commencing at the intersection of the north street line of Pearl St. with the west street line of Badolato Dr.; thence westerly along the north street line of Pearl St. and across Franklin Sq., a distance of 900 feet, more or less, to a point on the west street line of Franklin Sq.; thence northerly along the west street line of Franklin Sq., a distance of 390 feet, more or less, to a point; thence westerly along the north line of the Bethany Covenant Church, a distance of 150 feet, more or less, to a

point; thence northerly along the east line of the Y.W.C.A., a distance of 80 feet, more or less, to a point; thence northerly along the north line of the Y.W.C.A. and across Glen St., a distance of 170 feet, more or less, to a point on the west street line of Glen St., thence southerly along the west street line of Glen St., a distance of 10 feet, more or less, to a point; thence northerly along the south line of No. 3-5-7 Glen St., a distance of 75 feet, more or less, to a point; thence southerly along the east line of No. 52 Main St., a distance of 40 feet, more or less, to a point; thence northerly along the south line of No. 52 Main St., a distance of 55 feet, more or less, to a point; thence southerly along the east line of the South Congregational Church, a distance of 40 feet, more or less, to a point; thence westerly along the south line of the South Congregational Church, a distance of 160 feet, more or less, to a point on the east street line of Arch St.; thence northerly along the east street line of Arch St., a distance of 220 feet, more or less, to a point; thence westerly across Arch St. and along the south line of No. 25-43 Arch St., a distance of 140 feet, to a point; thence northerly along the west line of No. 25-43 Arch St. and across Walnut St., a distance of 125 feet, more or less, to a point on the north street line of Walnut St.; thence westerly along the north street line of Walnut St., a distance of 60 feet, more or less, to a point; thence northerly along the west lines of No. 17 Walnut St. and No. 168-178 Main St. partly by each, a distance of 350 feet, more or less, to a point on the south street line of Court St.; thence easterly along the south street line of Court St. and across Main St., a distance of 315 feet, more or less, to a point on the east street line of Main St.; thence southerly along the east street line of Main St., a distance of 90 feet, more or less, to a point; thence easterly across One Park Plaza and Scalise Dr., a distance of 285 feet, more or less, to a point on the east street line of Scalise Dr.; thence southerly along the east street line of Scalise Dr. and across Chestnut St., a distance of 320 feet, more or less, to a point on the south street line of Chestnut St.; thence easterly along the south street line of Chestnut St., a distance of 825 feet, more or less, to a point; thence southerly along the west line of the Post Office, a distance of 325 feet, more or less, to a point; thence easterly along the south line of the Post Office, a distance of 80 feet, more or less, to a point; thence southerly along the west line of the Post Office and the west street line of Badolato Dr. partly by each, a distance of 610 feet, more or less, to point of beginning.

2. *Zone II.* Commencing at the intersection of the south street line of Chestnut St. with the east street line of Columbus Blvd.; thence westerly across Columbus Blvd. and along the south street line of Chestnut St., a distance of 1,410 feet, more or less, to a point; thence northerly across Chestnut St. and along the east street line of Scalise Dr., a distance of 320 feet, to a point; thence westerly across One Park Plaza, a distance of 285 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 90 feet, more or less, to a point; thence westerly across Main St., a distance of 150 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a distance of 355 feet, more or less, to a point on the south street line of West Main St.;

thence westerly along the south street line of West Main St., a distance of 40 feet, more or less, to a point; thence northerly across West Main St., along the east line of No. 55 West Main St. and the Municipal Parking Garage and across Columbus Blvd., a distance of 485 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly and southerly along the north street line of Columbus Blvd., a distance of 2,475 feet, more or less, to point of beginning.

3. *Zone III.* Commencing at the intersection of the south street line of Court St. with the west street line of Main St.; thence westerly along the south street line of Court St., a distance of 145 feet, more or less, to a point; thence northerly across Court St. and along the west line of No. 200-212 Main St., a distance of 150 feet, more or less, to a point; thence westerly along the south line of No. 224 Main St., No. 66, 88, 94 and 102 West Main St., a distance of 350 feet, more or less, to a point; thence southerly along the east line of No. 120 West Main St., a distance of 30 feet, more or less, to a point; thence westerly along the south line of No. 120 West Main St., a distance of 210 feet, more or less, to a point on the east street line of South High St.; thence northerly along the east street line of South High St. and across West Main St., a distance of 290 feet, more or less, to a point on the north street line of West Main St.; thence westerly along the north street line of West Main St., a distance of 50 feet, more or less, to a point; thence northerly along the east street line of High St., a distance of 215 feet, more or less, to a point; thence easterly along the north line of the Christian Pentecostal Church, No. 115 and No. 97-103 West Main St. partly by each, a distance of 230 feet, more or less, to a point; thence southerly along the east line of No. 97-103 West Main St., a distance of 50 feet, more or less, to a point; thence easterly along the north line of No. 97-103 and No. 85 West Main St. and across Washington St. partly by each, a distance of 235 feet, more or less, to a point on the east street line of Washington St.; thence northerly along the east street line of Washington St. and across Columbus Blvd., a distance of 420 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly along the north street line of Columbus Blvd., a distance of 145 feet, more or less, to a point; thence southerly across Columbus Blvd., along the east line of the Municipal Parking Garage and No. 55 West Main St. and across West Main St., a distance of 485 feet, more or less, to a point on the south street line of West Main St.; thence easterly along the south street line of West Main St., a distance of 40 feet, more or less, to a point; thence southerly along the west street line of Main St., a distance of 355 feet, more or less, to point of beginning.
4. *Zone IV.* Commencing at the intersection of the north street line of Columbus Blvd. with the west street line of Elm St., thence westerly along the north street line of Columbus Blvd., a distance of 1,250 feet, more or less, to a point; thence northerly across land of Boston and Maine R.R. and the west line of No. 318-326 Main St., a distance of 120 feet, more or less, to a point; thence easterly along the north line of No. 318-326 Main St., a distance of 75 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a

distance of 550 feet, more or less, to a point on the north street line of Myrtle St.; thence westerly along the north street line of Myrtle St., a distance of 170 feet, more or less, to a point; thence northerly, a distance of 310 feet, to a point on the north street line of Lafayette St.; thence westerly along the north street line of Lafayette St., a distance of 25 feet, more or less, to a point; thence northerly, a distance of 160 feet, more or less, to a point; thence easterly, a distance of 300 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 250 feet, more or less, to a point; thence easterly along the north line of Newbrite Plaza, a distance of 440 feet, more or less, to a point on the west street line of Clark St.; thence southerly and easterly along the west street line of Clark St. and the south street line of Winter St., a distance of 990 feet, more or less, to a point; thence southerly across land of Newbrite Plaza, a distance of 285 feet, more or less, to a point on the west street line of Martin L. King Dr.; thence southerly along the west street line of Martin L. King Dr., across East Main St. and the west street line of Harry S. Truman Overpass, partly by each, a distance of 1,070 feet, more or less, to a point; thence easterly along the north line of No. 327 Main St., a distance of 210 feet, more or less, to a point on the west street line of Elm St.; thence southerly along the west street line of Elm St., a distance of 230 feet, more or less, to point of beginning.

- (c) These zones may be changed by majority vote of property owners attending the annual meeting of the district.

Sec. 20.5-25. Procedure for referendum establishing district.

(1) *Referendum; voting procedure.*

- (a) Within sixty (60) days of the passage of this article by the common council, a ballot shall be prepared and mailed to all holders of record of taxable interest in real property within the district boundary as established by section 20.5-24 of this article.
- (b) The ballot shall be mailed to the address used by the Tax Collector of the City of New Britain for tax collection purposes. The ballots are to be returned by mail or in person to the town clerk within fifteen (15) business days of the initial mailing.
- (c) Each property owner shall be entitled to cast one (1) ballot which will be so counted in determining whether the necessary majority of property owners have voted in favor of the referendum.
- (d) The ballot shall be signed by the property owner(s) having fifty (50) percent interest in said property, or a representative of the owner(s) duly authorized to cast such ballot.

(2) *Referendum; oversight and tabulation of results.*

- (a) The referendum ballot shall be overseen by three (3) supervisors appointed by the mayor. The supervisors shall count ballots, and determine results of the referendum, and shall rule on any contested ballots.

- (b) For the purposes of determining whether the majority of property owners has voted in favor of the resolution, each ballot will be counted two (2) ways. An abstention will be considered to oppose the district.
 - i. Each ballot will be counted as a single vote for or against the district.
 - ii. Each ballot will be weighted by the assessed value of the property for which the ballot is cast.
 - (c) A majority of the property owners by number and by assessed value must vote in favor of the district for the district to be approved.
 - (d) If the district is not approved, this article shall be null and void.
- (3) *Referendum; appeal.*
- a. Ballots cast for a property owner shall be available for inspection by holders of record of a taxable interest in the property at the office of the town clerk for five (5) business days after the close of the referendum period.
 - b. Holders of record of a taxable interest in the property may contest in writing the ballot cast to the supervisors of the referendum. All appeals must be submitted within five (5) business days of the close of the referendum period.
 - c. The supervisors shall evaluate the validity of the ballot as representing the position of a majority interest in said property. The supervisors will review evidence submitted by the voter and the appellant in making their determination which shall be final. They may change the ballot if sufficient evidence of improper vote is presented by the appellant.

Sec. 20.5-26. District organization and operations.

- (1) *Commencement of district operations.*
- (a) Within twenty (20) business days of the referendum results creating a district, the mayor shall call a general meeting to nominate and elect the board of commissioners.
 - (b) The board of commissioners shall meet within twenty (20) business days of the general meeting to prepare the bylaws governing their operations and those of subsequent general meetings.
 - (c) The board of commissioners shall prepare the first year's budget for the district, and submit it for consideration to the general meeting of the property owners by March of 1984, and submit the recommended tax levy for common council approval by April 1984.
- (2) *Board of commissioners.*
- (a) The board of commissioners shall have eleven (11) members, four (4) ex-officio members, and five (5) alternates. One (1) commissioner shall be elected from each zone as described in section 20.5-24(3) of this article. The other seven (7) positions on the board will be elected at large from the entire district. Five (5) alternates shall also be elected, to substitute for absent commissioners on a rotating basis. The four (4) ex-officio members will be the Mayor, the Council

Majority Leader, the President of the Chamber of Commerce and the President of the Municipal Action Council, Inc.

- (b) The board of commissioners shall be the executive body governing the day-to-day operations of the district. The board shall make administrative decisions and interpret policy for the district.
 - (c) At the first meeting of the board of commissioners, bylaws shall be drafted for the operating procedures of the board. The operating bylaws may expand upon the procedures necessary to perform district functions.
 - (d) The term of the eleven (11) commissioners and the five (5) alternates shall be two (2) years.
 - (e) With the exception of the first election of the board of commissioners, a nominating committee shall be appointed by the board to prepare nominations for the biennial election. Nominations may also be made at the time of the general meeting.
 - (f) Commissioners shall be elected by a plurality vote of a quorum of property owners present at the general meeting.
 - (g) The board of commissioners shall elect officers. The positions shall be determined at the first meeting of the board after the district is created and incorporated into the operating bylaws.
 - (h) The board of commissioners shall hire such staff assistance as is considered necessary to perform their duties and as is approved in the budget submitted to the general meeting.
 - (i) The board of commissioners and its staff shall be authorized to conduct the business of the district in a responsible manner.
- (3) *General meetings of property owners.*
- (a) There shall be an annual meeting of district property owners to approve the yearly budget and to conduct other such business as is determined necessary.
 - (b) Special meetings may be called by the board of commissioners to conduct business that can not be postponed until the annual meeting.

Sec. 20.5-27. District revenue and budget.

- (1) *District budget.*
- (a) The district shall adopt an annual budget at a general meeting of property owners and lessees of property and shall file the budget with the Treasurer of the City of New Britain on or before May 1 each year. The annual budget may be amended as provided in the bylaws of the district. Amended budgets must be filed with the treasurer within fifteen (15) days of adoption.
 - (b) The board of commissioners shall recommend to the Common Council of the City of New Britain, on or before May 1 of each year, a levy upon taxable interests in real property within such district. In accordance with Section 7-339r(d) of the Connecticut General Statutes, it shall be the obligation of the

common council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy and it shall be the obligation of the city to collect such levy for the benefit of the district.

- (c) Any revenue of the district generated by other than the levy upon taxable interests in real property in the district shall be paid into the general fund of the city where an account shall be maintained for the benefit of the district.

(2) *Tax levy imposition.*

- (a) Notwithstanding subsection (1)(a) of this section, the levy upon taxable interests in real property in the district shall be set at ten and one-tenth (10.1) percent of the regular municipal levy for the municipal fiscal year beginning July 1, 1984.
- (b) Increases in the levy recommended by the board of commissioners may not exceed twenty (20) percent, and the levy may not exceed fifteen (15) percent of the regular municipal levy in any fiscal year.

(3) *Collection of levy.*

- (a) The levy upon taxable interests in real property in the district shall be due and payable in two (2) parts, on July 1 and January 1, following the adoption of the levy for the fiscal year. On or before July 1 and January 1 each year, the Tax Collector of the City of New Britain shall bill holders of taxable interest in real property in the district.
- (b) Delinquent interest charges shall be assessed on late district tax payments and shall be computed in the same manner as used for establishing delinquent charges on regular property tax bills of the city.
- (c) The Tax Collector of the City of New Britain shall collect the district tax and shall deposit monies received in a special account within the general fund of the city to be maintained by the treasurer of the city for the benefit of the district.

(4) *Disbursement of funds.*

- (a) The treasurer of the city may disburse funds from the account of the district only upon written request of a duly authorized representative of the district and only in accordance with the then current approved annual budget of the board of commissioners of the district. The district shall set forth in its bylaws procedures for approving disbursement of funds and for requesting such disbursement from the treasurer of the city.
- (b) All orders on contracts for expenditures approved by the board of commissioners on behalf of the district which meet the criteria established in Section 7-339q of the Connecticut General Statutes shall be awarded to the lowest responsible bidder only after public invitation to bid, which shall be advertised in a newspaper having circulation in such special services district.

Sec. 20.5-28. Municipal obligations.

- (1) *Maintenance of effort and services.* Notwithstanding the powers of the district defined in subsection 20.5-23(2) of this article, the city shall continue to be obligated to provide existing municipal services within the district. Further, in keeping with the intent of this

article, which is to improve the district through a cooperative effort of the city and the property owners of the district, the city agrees to maintain the existing level of municipal services provided within the district.

- (2) *Municipal regulations.* The district shall be subject to such articles of the city as apply to private organizations conducting business with the municipality (e.g., zoning, inland wetland regulation, etc.). The city may waive local fees which may apply to activities conducted by the district.

Sec. 20.5-29. Dissolution of district.

The district may be dissolved as provided in Section 7-339s of Chapter 105a of the Connecticut Statutes.

Chapter 21 STREETS, SIDEWALKS AND PUBLIC PLACES*

***Cross references:** Board of public works, § 2-166 et seq.; throwing or distributing handbills in public places restricted, § 3-2; throwing or depositing litter in public places prohibited, § 11-31; motor vehicles and traffic, Ch. 15; parks and recreation, Ch. 17; planning, Ch. 19; police, Ch. 20; vehicles for hire, Ch. 24.

State law references: Power of city to control the excavation of the highways and streets, G.S. § 7-148(c)(6)(C)(iii); to lay out, construct, etc., streets, sidewalks, etc., G.S. § 7-148(c)(6)(C)(i); to provide for lighting the streets, etc., G.S. § 7-148(c)(4)(F); to provide for the planting, etc., of shade and ornamental trees on the streets and public grounds, G.S. § 7-148(c)(6)(A)(v); to keep open, etc., the streets, sidewalks, etc., G.S. § 7-148(c)(6)(C)(ii); to require owners or occupants of land adjacent to any sidewalk to remove snow, etc., G.S. § 7-148(c)(6)(C)(v); to regulate and prohibit the excavation, etc., of sidewalks, etc., G.S. § 7-148(c)(6)(C)(iv); to prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets, etc., G.S. § 7-148(c)(6)(B)(iv); to keep the streets, sidewalks and public places free from undue noises and nuisances, etc., G.S. § 7-148(c)(7)(F)(i); highways and bridges, G.S. § 13a-1 et seq.

Art. I. In General, §§ 21-1--21-45

Art. II. Cellarways and Doorways, §§ 21-46--21-60

Art. III. Curbs and Sidewalks, §§ 21-61--21-85

Art. IV. Excavations, §§ 21-86--21-105

Art. V. Numbering of Buildings, §§ 21-106--21-120

Art. VI. Street Improvements, §§ 21-121--21-140

Art. VII. Street Lighting, §§ 21-141--21-160

Art. VIII. Street and Driveway Construction, §§ 21-161--21-189

Art. IX. Disposition of Lost, Stolen or Abandoned Shopping or Laundry Cards, §§ 21-190--21-209

Art. X. Newsracks, §§ 21-210--21-234

Art. XI. Removal of Graffiti from Public Places and Property, §§ 21-235, 21-236

ARTICLE I. IN GENERAL

Sec. 21-1. Basic lines to designate grades of streets.

The basic lines to designate the grades of streets shall be the sidewalk grades on each